

TWENTY-FIRST DAY

(Thursday, February 18, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator Winfield was granted leave of absence for today on account of important business, on motion of Senator Metcalfe.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Brownlee.

Senators Kelley and Lemens were granted leave of absence for today and indefinitely on account of official business, on motion of Senator Metcalfe.

Report of Standing Committee

Senator Winfield submitted the following report:

Austin, Texas,
February 17, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Banking to whom was referred S. B. No. 38, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute attached hereto do pass in lieu thereof.

WINFIELD, Chairman.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Brownlee:

S. B. No. 193, A bill to be entitled "An Act to amend Sections 2 and 8 of S. B. No. 103, Chapter 497, Regular Session of the Forty-seventh Legislature, to extend the time in which the development of [housing] projects may be initiated thereunder; and declaring an emergency."

To Committee on State Affairs.

By Senator Weinert:

S. B. No. 194, A bill to be entitled "An Act providing that the \$10,000 appropriated for a new boiler at Southwest Texas State Teachers College may be used by the proper authorities to purchase a used boiler including installation for such college; and declaring an emergency."

To Committee on Civil Jurisprudence.

Senate Concurrent Resolution 19

Senator Brownlee offered the following resolution:

S. C. R. No. 19, Granting and giving consent of the Legislature of the State of Texas to the American National Bank of Austin, Texas, a corporation to sue the State of Texas in any court in the State of Texas having jurisdiction over the subject matter upon the claim of said American National Bank of Austin, Texas, growing out of moneys and funds furnished by the said American National Bank of Austin, Texas, to complete the construction of the Auditorium Building at Agriculture and Mechanical College of Texas.

The resolution was read and was referred to the Committee on State Affairs.

House Bill 58 on Second Reading

Senator Martin moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that H. B. No. 58 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

The President laid before the Senate on its second reading and passage to third reading:

H. B. No. 58, A bill to be entitled "An Act amending Chapter 241, Acts of the Forty-third Legislature, Regular Session, as amended by Chapter 21, Acts of Forty-third Legislature, Second Called Session, so as to make all of the provisions of such Act inapplicable to amateur tournaments where such tournaments are not conducted for profit, and the participants therein receive no remuneration and such tournaments and exhibitions are held for the purpose of qualifying individuals to enter State-wide or National competition; and declaring an emergency."

The bill was read second time.

Senator Martin offered the following Committee amendment to the bill:

Amend H. B. No. 58 by inserting after the word "Texas" and in front of the word "for" in line two in (1) (b) Section 1 of said bill the following: "including their affiliated membership clubs throughout the State."

The amendment was adopted.

The bill was passed to third reading.

House Bill 58 on Third Reading

Senator Martin moved that the constitutional rule requiring bills to be read on three several days be suspended and that H. B. No. 58 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

House Bill 6 Tabled

On motion of Senator Lanning, H. B. No. 6 was tabled.

Senate Bill 5 on Engrossment

(Unfinished Business)

The President laid before the Senate, as the unfinished business, on its passage to engrossment:

S. B. No. 5, A bill to be entitled "An Act to regulate the sale of agri-

cultural insecticides and fungicides, prohibiting their adulteration, misbranding, or misrepresentation, providing for the collection and analysis of samples, the expenses of the enforcement of the law, fixing penalties for its violation; and declaring an emergency."

With amendment by Senator Martin pending.

Senator Martin withdrew the amendment.

Senator Martin offered the following amendment to the bill:

Amend S. B. No. 5 by striking out all below the enacting clause and inserting in lieu thereof the following:

Section 1. (1) The term "agricultural insecticide" as used in this Act shall include any substance or mixture of substances offered for use for preventing, destroying, repelling, or mitigating any insects or pests which may infest agricultural crops, including fruits, vegetables, ornamentals, shades and forest trees, or which may occur as external parasites on poultry or other animals.

(2) The term "Paris green" as used in this Act shall include the product sold in commerce as Paris green and chemically known as acetoarsenate of copper.

(3) The term "calcium arsenate" as used in this Act shall include the product or products sold in commerce as calcium arsenate and consisting chemically of products derived from arsenic acid (H_3ASO_4) by replacing one or more hydrogen atoms by calcium.

(4) The term "fungicide" as used in this Act includes any substance or mixture of substances intended to be used for preventing, destroying, repelling, or mitigating any and all fungi, including rusts, smuts, mildew, molds, yeasts, and bacteria that may infest vegetation.

(5) The term "insects" shall include the forms of life to which the term insects is technically or generally applied.

(6) The term "pests" shall include mites, ticks, rodents, and weeds, and all other things generally referred to as pests; provided, however, that the specific enumeration included herein shall not exclude under this definition those things generally referred to as pests.

Sec. 2. For the purpose of this Act a product shall be deemed to be adulterated in the following cases:

(1) In the case of Paris green: First, if it does not contain at least fifty (50) per centum of arsenious oxide; second, if it contains arsenic in water-soluble forms equivalent to more than three and one-half ($3\frac{1}{2}$) per centum of arsenious oxide; third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(2) In the case of powdered standard lead arsenate, also known as acid or di-ortho lead arsenate: First, if it contains total arsenic equivalent to less than thirty (30) per centum of arsenic oxide (AS_{205}); second, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one-hundredths ($75/100$) per centum of arsenic oxide (AS_{205}); third, if any substance has been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength, provided, however, that extra water may be added to lead arsenate if the resulting mixture is labeled arsenate of lead and water, the percentage of extra water being plainly and correctly stated on the label.

(3) In the case of calcium arsenate: First, if it contains total arsenic equivalent to less than forty (40) per centum of arsenic oxide (AS_{205}); second, if it contains arsenic in water-soluble forms equivalent to more than seventy-five one hundredths per centum of arsenic oxide (AS_{205}); third, if any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

(4) In the case of agricultural insecticides or fungicides, other than Paris green, lead arsenate, and calcium arsenate: First, if its strength or purity fall below the professed standard of quality under which it is sold or below the standard of quality established by Federal laws or by the U. S. Department of Agriculture; second, if any substance has been mixed and packed with it so as to reduce, lower, or injuriously affect its quality or strength; third, if it is intended for control of insects or diseases on vegetation or for the control of external parasites of ani-

mals and shall contain any substance or substances which, although preventing, destroying, repelling, or mitigating insects or diseases, shall be injurious to such vegetation or animals when properly used, except in the case of weed killing chemicals; fourth, it shall be unlawful to sell or offer for sale within the State, any white powdered agricultural insecticide or fungicide, highly toxic to man, unless such agricultural insecticide or fungicide be distinctly colored.

Sec. 3. For the purpose of this Act an article shall be deemed misbranded:

(1) If it be an imitation or offered for sale under the name of another article.

(2) If it be labeled or branded so as to deceive or mislead the purchaser, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package unless relabeled to conform with the provisions of this Act.

(3) (If the statements required in Section 4 are not branded or set forth on the label of each package.)

(4) If any false or misleading statements are made on the package or in any printed matter or advertising concerning such agricultural insecticide or fungicide.

Sec. 4. All corporations, firms, or persons, before selling or offering for sale any agricultural insecticide or fungicide for use within this State, shall brand or attach to each package a plainly printed statement, showing the brand or name of said insecticide or fungicide, the net weight, or volume if liquid, of the contents of the package, the name and address of the corporation, firm, or person registering said insecticide and the minimum percentage guaranteed to be present, of total arsenic, and the maximum percentage of water-soluble arsenic if such are present, and the names and percentage amounts of each inert ingredient, or, in place of the names and percentage amounts of each inert ingredient, the names and percentage amounts of each and every ingredient having insecticidal or fungicidal properties, and the total percentage of inert ingredients. All branding or labeling must be durable and legible, and so placed and arranged as to be easily read.

If any form of mineral oil is a component part, or the whole of an agricultural insecticide or fungicide intended to be used on vegetation the label shall further show the minimum guaranteed percentage by weight or by volume of the amount of mineral oil present, the minimum guaranteed unsulphonated residue of said oil expressed in percentage of said oil.

The label on sulphur and mixtures containing same shall further show the percentage of sulphur present. In the case of ground sulphur the minimum guaranteed degree of fineness of the sulphur, according to methods generally recognized by the sulphur industry, also shall be shown.

Sec. 5. All firms, corporations, or persons, before selling or offering for sale any agricultural insecticide or fungicide for use as an agricultural insecticide or fungicide within this State, shall, within 30 days after the passage of this Act and thereafter annually file with the Commissioner of Agriculture an application for registration giving the information required by Section 4 of this Act. A copy of the label to be attached to each package shall be filed with the Commissioner of Agriculture on or before delivery to the dealers, agents or consumers in this State; and such label shall truly set forth the data required in Section 4 of this Act; and be otherwise in accordance with the provisions of this Act. On receipt of the application for registration above described, the registration fee, and the copy of the label, and after all other requirements of this Act have been complied with, the Commissioner of Agriculture shall issue a certificate of registration for the agricultural insecticide or fungicide, which shall be in force until the succeeding September first.

Any firm, corporation, or person who has registered agricultural insecticides or fungicides for sale within the State of Texas, shall furnish upon request of the Commissioner of Agriculture, within five days of the receipt of such request, a statement showing the official name of the agricultural insecticide or fungicide and the names and addresses of a reasonable number not exceeding ten persons, within the State of Texas, to whom it has been sold.

Sec. 6. Any person not a dealer in, or agent for the sale of any agri-

cultural insecticides or fungicides, who may purchase any agricultural insecticides or fungicides for his own use within this State and not for sale, may submit a sample of same for analysis, to the State Chemist, under regulations prescribed by the State Chemist, whereupon it shall be the duty of said State Chemist to make an analysis of said insecticides or fungicides for ingredients, which said analysis shall be made according to a method given by the Association of Official Agricultural Chemists or the American Society for Testing Materials, or, in the absence of such method, then, in accordance with accepted methods. The said State Chemist shall be permitted to charge a fee for the said analysis not in excess of Three (\$3) Dollars, which said fee shall be remitted to the Commissioner of Agriculture for deposit in the State Treasury to the account of the General Fund of the State of Texas.

Sec. 7. The Commissioner of Agriculture in person or by deputy shall have the power to enter into any building or place owned, controlled, or operated by a registrant or dealer, where from probable cause it reasonably appears that said building or place contains agricultural insecticides or fungicides, for the purpose of inspection or sampling, and shall have the power to take a sample for analysis, not exceeding one pound, from any package or lot of agricultural insecticides or fungicides found within the State, and said samples shall be sealed and transmitted directly to the State Chemist at College Station. The State Chemist of the Agricultural and Mechanical College of Texas may at his discretion cause one analysis or more to be made annually of agricultural insecticides and fungicides sold or offered for sale under the provisions of this Act as may be sampled. Analyses shall be made by the methods of the Association of Official Agricultural Chemists of North America, if the necessary method has been adopted, or in the absence of such method, the State Chemist shall be authorized to select a method. The Commissioner of Agriculture and the State Chemist shall issue at least one joint report annually, setting forth the analyses of agricultural insecticides and fungicides made under the provisions of this Act, the operation

of the law, and such other information concerning violation of the law, or operations of this Act, or otherwise as may be considered necessary.

Sec. 8. The examination of samples of agricultural insecticides or fungicides shall be made by the State Chemist at the Agricultural and Mechanical College of Texas, upon request of the Commissioner of Agriculture, for the purpose of determining from such examination whether such products are adulterated or misbranded within the meaning of this Act; and if it shall appear from such examination that any of such samples are adulterated or misbranded within the meaning of this Act, the State Chemist shall certify the results to the Commissioner of Agriculture, who shall cause notice thereof to be given to the manufacturer, which said notice shall be accompanied by a copy of said analysis so made by said State Chemist.

Sec. 9. For the sole purpose of defraying the expenses connected with the inspection of agricultural insecticides or fungicides sold, or exposed or offered for sale, in this State and experiments relative to value thereof, all firms, corporations, or persons engaged in the manufacture or sale of agricultural insecticides or fungicides shall in place of a tonnage tax pay annually to the Commissioner of Agriculture an inspection tax of \$25 for registration of each agricultural insecticide and fungicide, provided that the total of the registration fees for any one firm shall not exceed \$100, but any agricultural insecticide or fungicide already registered by the manufacturer or jobber need not be registered by any other person selling said agricultural insecticide or fungicide during the period of such registration. All the fees collected shall be deposited in the General Revenue Fund.

Sec. 10. The sum of One Thousand (\$1,000.00) Dollars is hereby appropriated to the Commissioner of Agriculture to be used to carry out the provisions of this Act until sufficient fees are collected hereunder.

Sec. 11. Every firm, corporation, or person who shall sell or offer for sale any agricultural insecticide or fungicide without having attached thereto such statements as are required by law, or who shall sell or

offer for sale any adulterated or misbranded agricultural insecticide or fungicide within the meaning of this Act, or who shall violate any other provisions of this Act, shall be guilty of a misdemeanor and, upon conviction, shall be subject to a fine of not less than Fifty (\$50) Dollars nor more than Two Hundred (\$200) Dollars for each offense.

Any agricultural insecticide or fungicide sold, offered or exposed for sale within this State in violation of any provision of this law, shall be liable to seizure at the instance of the Commissioner of Agriculture. Upon complaint being filed by the Commissioner of Agriculture, in person or by duly authorized deputy, with any county judge or justice of the peace, describing the agricultural insecticide or fungicide and the place where it is believed that said agricultural insecticide or fungicide is sold, offered or exposed for sale in violation of law, such county judge, or justice of the peace shall issue his warrant directing and commanding the sheriff or any constable of his county to search such place and seize the agricultural insecticide or fungicide found therein which is in violation of law, and it shall be the duty of the officer to whom such warrant is delivered to search the place described in the warrant and to seize all agricultural insecticides or fungicides found therein which are in violation of law, and if admission into said place is refused, the officer executing said warrant is hereby authorized to force open the same. If it appears at the hearing before the county judge or justice of the peace who issued said writ, that the agricultural insecticide or fungicide was being sold, exposed or offered for sale in violation of any provision of this Act, said agricultural insecticide or fungicide shall be condemned and delivered to an officer or agent of the Commissioner of Agriculture to be disposed of as the court may direct. The Commissioner of Agriculture, however, may, in his discretion, release the insecticide or fungicide seized or condemned upon the payment of the required tax or charge and all costs and expenses incurred in any proceeding connected with such seizure and condemnation and upon compliance with all other requirements of this law.

Sec. 12. If any Section, Subsection, clause or phrase of this Act is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Act. The Legislature hereby declares that it would have passed this Act and each Section, Subsection, sentence, clause, and phrase thereof, irrespective of the fact that any one or more Sections, Subsections, sentences, clauses, or phrases be declared unconstitutional.

Sec. 13. The fact that there is a definite and immediate need for an agricultural insecticide and fungicide law in this State creates an imperative public necessity that the constitutional rule requiring bills to be read in each House on three several days, and the constitutional rule requiring bills to go into effect ninety (90) days from and after their passage, be and the same are hereby suspended, and this Act shall take effect and be in force from and after its passage, and it is so enacted.

MOFFETT,
MARTIN.

The amendment was adopted.

Senator Moffett offered the following amendment to the bill:

Amend the caption to conform to the body of the bill.

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 5 on Third Reading

Senator Moffett moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 5 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalfe
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

Report on Senate Bill 194

Senator Weinert, by unanimous consent, submitted at this time the following report:

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence to whom was referred S. B. No. 194, [relating to purchase of a boiler by Southwest Texas State Teachers College] have had the same under consideration, and I am instructed to report same back to the Senate with the recommendation that it do pass and be not printed.

WEINERT, Chairman.

Senate Bill 194 on Second Reading

Senator Weinert moved that all rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session be suspended, to permit the immediate consideration by the Senate of S. B. No. 194, relating to the purchase of a boiler by Southwest Texas State Teachers College.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

Senator Weinert moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 194 be placed on its second reading and passage to engrossment and on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time and was passed to engrossment.

Senate Bill 194 on Third Reading

The President then laid S. B. No. 194 before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—25

Aikin	Martin
Beck	Mauritz
Brownlee	Metcalf
Bullock	Moffett
Chadick	Moore
Cotten	Morris
Fain	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York
Lovelady	

Absent—Excused

Formby	Shivers
Kelley	Spears
Lemens	Winfield

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolutions:

H. C. R. No. 32, Encouraging the bringing to Texas of industries that will utilize natural resources of the State.

H. C. R. No. 33, Providing for a Postwar Economic Planning Commission.

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to make certain changes in H. B. No. 241.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

House Concurrent Resolutions
Referred

The following House Concurrent Resolutions, received from the House today, were laid before the Senate, read severally, and referred to the committees indicated:

H. C. R. No. 32, to Committee on Commerce and Manufactures.

H. C. R. No. 33, to Committee on State Affairs.

House Concurrent Resolution 35

On motion of Senator Martin, and by unanimous consent, the regular order of business was suspended to

take up for consideration at this time:

H. C. R. No. 35, Authorizing a correction in enrolled copy of H. B. No. 241.

The President laid the resolution before the Senate, it was read in full and was adopted.

Message from the House

Hall of the House of Representatives,
Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following resolution:

H. C. R. No. 38, Inviting the Hon. Hatton W. Sumners to address a joint session of the Legislature, February 18, at 11:00 a. m.

Respectfully submitted,

CLARENCE JONES,

Chief Clerk, House of Representatives.

Senate Bill 21 on Second Reading

Senator Vick moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 21 be taken up for consideration at this time.

The motion was lost by the following vote: (not receiving the necessary vote of four-fifths of the Senate's entire membership):

Yeas—24

Aikin	Lanning
Beck	Lovelady
Brownlee	Martin
Bullock	Mauritz
Chadick	Metcalf
Cotten	Moffett
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert

Nays—2

Moore	York
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Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

Reports of Standing Committees

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 138, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 188, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 182, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B. No. 175, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on State Affairs to whom was referred S. B.

No. 93, have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

KELLEY, Chairman.

Austin, Texas,
January 15, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Privileges and Elections, to whom was referred S. B. No. 82, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, but that the Committee substitute attached hereto do pass and be printed.

CHADICK, Chairman.

House Concurrent Resolution 38

The President laid before the Senate, and directed the Secretary to read:

H. C. R. No. 38, Providing for a joint session of the Senate and House at 11:00 o'clock a. m. today to hear an address by Hon. Hatton W. Sumners.

The resolution was read and was considered immediately and unanimously adopted.

In accordance with the terms of the resolution, the President appointed Senators Graves, Moore, and Stone as the Committee on the part of the Senate to escort Mr. Sumners to the joint session and to the Speaker's rostrum.

Senate Bill 159 on Second Reading

Senator Morris moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 159 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Formby
Beck	Graves
Brownlee	Hazlewood
Bullock	Jones
Chadick	Lane
Cotten	Lanning
Fain	Lovelady

Martin	Ramsey
Mauritz	Stone
Metcalfe	Sulak
Moffett	Vick
Moore	Weinert
Morris	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 159, A bill to be entitled "An Act suspending the operation of Chapter 237, Regular Session, Forty-fourth Legislature for the duration of the war; and declaring an emergency."

The bill was read second time.

Senator Moore offered the following amendment to the bill:

Amend S. B. No. 159 by adding at the end of Section 1 the following:

"Provided that all packages or sacks must have printed on the outside in not less than thirty-six (36) point type the minimum avoirdupois weight of the net contents thereof."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 159 on Third Reading

Senator Morris moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 159 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

Senate Investigating Committee

The President announced the appointment of the following Senate investigating committee, pursuant to the terms of Senate Resolution No. 4:

Senators Brownlee, Mauritz, Weinert, Bullock, and Morris.

Bills and Resolutions Signed

The President signed, in the presence of the Senate, after their captions had been read, the following enrolled bills and resolutions:

S. B. No. 57, A bill to be entitled "An Act amending Article 3883 of the Revised Civil Statutes of Texas, providing for the maximum compensation of county officials in any county where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land; and declaring an emergency."

S. B. No. 58, A bill to be entitled "An Act amending Article 3902 of the Revised Civil Statutes of Texas of 1925 and all amendments thereto, by

adding thereto a new Subsection to be known as Subsection 9, fixing the compensation of the first assistant or chief deputy sheriff and other deputy sheriffs in counties where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land, the salary of the chief deputy sheriff in any such county shall not exceed Two Thousand Four Hundred (\$2,400.00) Dollars per annum and the salary of any other assistant deputy sheriff shall not exceed Two Thousand One Hundred (\$2,100.00) Dollars per annum; and declaring an emergency."

S. B. No. 59, A bill to be entitled "An Act amending Article 2350 of the Revised Civil Statutes of the State of Texas, providing for the compensation of county commissioners in any county where the population is not less than 15,000 and not more than 15,100 inhabitants according to the last preceding Federal Census and with a total area of not less than 569,250 square acres of land and not more than 569,500 square acres of land, the salary of each county commissioner shall be not exceeding Three Thousand (\$3,000.00) Dollars per annum; and declaring an emergency."

H. B. No. 85, A bill to be entitled "An Act providing for closed season or a period of time when it shall be unlawful to take bullfrogs from any portion of Fayette County, Texas; etc.; and declaring an emergency."

H. B. No. 105, A bill to be entitled "An Act to amend Subdivision 30 of Article 199, Title 8 of the Revised Statutes of the State of Texas of 1925 as amended so as to change the time and terms of holding the terms of the District Court of Wichita County, Texas, constituting the 30th Judicial District of Texas, etc.; and declaring an emergency."

S. B. No. 95, A bill to be entitled "An Act providing that in all incorporated cities and towns containing more than two hundred ninety-three thousand (293,000) inhabitants and less than three hundred seventy-five thousand (375,000), according to the last preceding or any future Federal Census, the governing body shall

have power to lay out, acquire and/or construct any section or portion of any street within its jurisdiction as a freeway under certain circumstances; declaring the provisions of this Act to be severable; and declaring an emergency."

H. B. No. 179, A bill to be entitled "An Act appropriating and transferring, for the current fiscal year, to the Special Fund in the Treasury, known as the 'Blind Assistance Fund,' for the purpose of administering assistance to the blind as authorized by law, the sum of Seventy Thousand (\$70,000) Dollars from the Clearance Fund established by H. B. No. 8, Regular Session, Acts, Forty-seventh Legislature, in addition to the Four Hundred Thousand (\$400,000) Dollars authorized to be transferred from such Clearance Fund by S. B. No. 490; Regular Session, Acts of the Forty-seventh Legislature and providing that each fiscal year following the current fiscal year, there shall be transferred to the 'Blind Assistance Fund' from said Clearance Fund the sum of Seven Hundred Thousand (\$700,000) Dollars, said amount to be provided on the basis of equal monthly installments; repealing all laws in conflict; and declaring an emergency."

H. B. No. 119, A bill to be entitled "An Act amending H. B. No. 184, Chapter 96, First Called Session of the Forty-third Legislature setting out certain regulations regarding the killing of squirrels in Jasper, Newton, Young and Jack Counties; and declaring an emergency."

S. C. R. No. 17, Authorizing issuance of service medals and ribbons.

H. C. R. No. 11, Granting the heirs of William and Dora Walsh permission to sue the State.

H. C. R. No. 13, Authorizing Christine Mayes to sue the State and the State Highway Department.

H. C. R. No. 30, Providing for a joint session to hear an address by Commander Roane Waring.

Senate Bill 177 on Second Reading

Senator Cotten moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 177 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The President laid before the Senate on its second reading and passage to engrossment:

S. B. No. 177, A bill to be entitled "An Act to amend Subdivision 3 of Article 199, Title 8, of the Revised Statutes of Texas, 1925, so as to change the time and terms of holding the Third District Court in Anderson, Henderson and Houston Counties, constituting the Third Judicial District of Texas; validating and continuing all processes issued or served before this Act takes effect, including recognizances and bonds, and making them returnable to the next term of court in said counties and district, as herein fixed; to validate the summoning of grand and petit juries under this Act; repealing all conflicting laws and parts of laws; and declaring an emergency."

The bill was read second time and was passed to engrossment.

Senate Bill 177 on Third Reading

Senator Cotten moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 177 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Chadick
Beck	Cotten
Brownlee	Fain
Bullock	Formby

Graves	Moffett
Hazlewood	Moore
Jones	Morris
Lane	Ramsey
Lanning	Stone
Lovelady	Sulak
Martin	Vick
Mauritz	Weinert
Metcalfe	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The President then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

Joint Session

(To Hear Address by Hon. Hatton W. Sumners)

At 11:00 o'clock a. m., the Senate repaired to the Hall of the House of Representatives for a joint session with the House to hear an address by Hon. Hatton W. Sumners, Member of Congress from the Fifth Congressional District of Texas.

The Honorable Senators were announced at the Hall of the House and were duly admitted and escorted to seats prepared for them along the center aisle.

On invitation of the Speaker, the President occupied a seat at the Speaker's desk.

The President called the Senate to order and announced the purpose of

the joint session and announced a quorum of the Senate present.

The Speaker called the House to order and ascertained and announced the presence of a quorum of the House.

Hon. Hatton W. Sumners and Governor Coke R. Stevenson were announced at the bar of the House and were escorted to the Speaker's rostrum by Senators Graves, Moore, and Stone, on the part of the Senate, and by Representatives Stinson, Reed, Blankenship, Hanna, Parkhouse, Mangum, Williamson, Lansberry, and Overton, on the part of the House.

The Speaker presented Hon. Jeff D. Stinson, Member of the House from Dallas County, who introduced Hon. Hatton W. Sumners to the joint session.

Mr. Sumners then addressed the joint session.

At the conclusion of the address, the Speaker presented to Mr. Sumners a copy of the concurrent resolution providing for the joint session.

At 12:20 o'clock p. m., the President announced the business of the joint session concluded and requested the Senate to retire to its chamber.

In the Senate

The President called the Senate to order at 12:22 o'clock p. m.

Resolutions Signed

The President signed, in the presence of the Senate, after giving due notice thereof, the following enrolled resolutions:

H. C. R. No. 35, Authorizing the Enrolling Clerk of the House to make certain changes in H. B. No. 241.

H. C. R. No. 38, Inviting the Hon. Hatton W. Sumners to address a joint session of the Legislature, February 18, at 11:00 a. m.

Senate Bill 129 on Second Reading

On motion of Senator Chadick, and by unanimous consent, the regular order of business was suspended to take up for consideration at this time:

S. B. No. 129, A bill to be entitled "An Act limiting the hours of labor and prescribing wages for overtime labor of female employees employed in any factory, mine, mill, workshop,

mechanical or mercantile establishment, hotel, restaurant, rooming house, theater, moving picture show, barber shop, road side drink and/or food vending establishment, telegram, telephone or other office, express or transportation company, or any State institution, or any other establishment, institution or enterprise where females are employed, any laundry, any factory engaged in the manufacture of cotton, woolen or worsted goods or articles of merchandise manufactured out of cotton goods; compelling each employer of female labor in the business, establishments, or institutions set out above to provide suitable seats for such female employees when not engaged in their active duties; providing that notice of said suitable seats shall be prominently posted; providing exceptions for certain types of employment and for certain employees working in rural districts and cities or towns of less than three thousand (3,000) inhabitants; providing certain exemptions in times of extraordinary emergencies, providing that the Commissioner of Labor Statistics may grant exemptions in the case of war; setting out certain powers and duties of the Commissioner of Labor Statistics, and giving the Commissioner of Labor Statistics the power to promulgate certain rules and regulations, and make certain written orders; setting up a procedure of informal hearings; providing for the posting of notices when employers make application for an exemption; providing for the content of said notices; providing for cancellation of exemption under certain circumstances; providing that an exemption can not be used as a defense after notice of cancellation has been given; setting out penalties for the violation of this Act; providing for the repeal of Chapter 56 of the General Laws of 1915, Regular Session of the Thirty-fourth Legislature; Chapters 86 and 87 of General Laws of 1929, Forty-first Legislature, First Called Session; Chapter 114 of General Laws of 1933, Regular Session of the Forty-third Legislature; Articles 1569, 1570, 1571, 1572 of Title 13, Chapter 3 of the Penal Code of Texas, Articles 5168, 5169, 5170, 5171 and 5172 of Chapter 6, Title 83 of the Revised Civil Statutes of Texas, are hereby specifically repealed, and all other laws and parts of laws in conflict herewith are

hereby repealed; declaring the provisions of this Act to be severable; and declaring an emergency."

The President laid the bill before the Senate on its second reading and passage to engrossment.

The bill was read second time.

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 129 by inserting the following sentence after the word "offense" on line 44 of page 3.

"This provision shall not apply to an employer exempted under the provisions of Sections 6, 7, 8, 9, 10, 11, 12, and 13 of this Act, unless such employer requires or permits female employes to work longer than the time allowed by such exemption."

The amendment was adopted.

Senator Chadick offered the following amendment to the bill:

Amend S. B. No. 129 by striking out the following words,

"engaged in an industry coming within the jurisdiction of the Federal Wage and Hour Act, Walsh-Healey Act or Bacon-Davis Act,"

And insert in lieu thereof on page 3, line 16 of the printed bill the following:

"described in Section 6 hereof."

The amendment was adopted.

(Senator Beck in the Chair.)

Senator Chadick offered the following amendments to the bill:

Amend S. B. No. 129 by inserting the words, "described in Section 6 hereof" following the word "employer" on line 43, page 2 of the printed bill.

Amend S. B. No. 129 on line 54, page 1 of the printed bill by inserting the following words: "or cleaning and pressing establishment" following the word "laundry" in such line.

The amendments were adopted severally.

Senator Ramsey offered the following amendment to the bill:

Amend S. B. No. 129, by striking Sections 6, 7, 8, 9, 10, 11, 12, and 13, and adding the following:

"Sec. 6. In addition to the foregoing exemptions no female shall be employed in time of war more than sixty hours in one calendar week in any industry coming within the jurisdic-

tion of the Fair Labor Standards Act of 1938 and amendments thereto, the Act of June 30th, 1936, C. 881, 49th Stat. 2036, U. S. Code, Sup. 11, Title 41, paragraph 35-45, as amended by Act of May 13, 1942, Public No. 552, 77th Cong., 2nd Sess., Commonly known as the Walsh-Healey Act, or the Act of March 3rd, 1931, C. 411, 46 Stat. 1941, as amended Aug. 30, 1935, C. 825, 49 Stat. 1011, U. S. Code Title 40, paragraph 276 A and Sup. V. Title 40, paragraph 276A-6, commonly known as the Bacon-Davis Act."

The amendment was adopted.

The bill was passed to engrossment.

Senate Bill 129 on Third Reading

Senator Chadick moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 129 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The Presiding Officer then laid the bill before the Senate and its third reading and final passage.

On motion of Senator Chadick, and by unanimous consent, the caption was ordered amended to conform to the changes in the body of the bill.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Bullock

Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Stone
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Martin	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

Senate Bills on First Reading

By unanimous consent, the following bills at this time were introduced, read severally, and referred to the committees indicated:

By Senator Beck:

S. B. No. 195, A bill to be entitled "An Act authorizing the appointment by the District Attorney of an assistant in Judicial Districts composed of two or more counties where the District Attorney is absent by reason of being a member of the Armed Forces of the United States of America; fixing the compensation of said assistant, and providing for the manner in which same shall be paid; and declaring an emergency."

To Committee on Judicial Districts.

By Senator Formby:

S. B. No. 196, A bill to be entitled "An Act to amend Acts 1931, Forty-second Legislature, Chapter 101, pages 172 et seq., as amended by Act 1941, Forty-seventh Legislature, Regular Session, H. B. No. 1061, to make available group life insurance to employees of school districts in the State of Texas."

To Committee on Insurance.

By Senator Hazlewood:

S. B. No. 197, A bill to be entitled "An Act to amend Article 2955 of Chapter 5, under Title 50 of the Revised Civil Statutes of the State of Texas of the year 1925 codification by striking out the words 'first day of February' and inserting in lieu thereof the words 'tenth day of June,' and to amend Article 2959 of Chapter 5, under Title 50, of the Revised Civil

Statutes of the State of Texas of the year 1925 codification by striking out the words 'first day of February' and inserting in lieu thereof the words 'tenth day of June'."

To Committee on Privileges and Elections.

By Senator Jones:

S. B. No. 198, A bill to be entitled "An Act to amend Section 2, Chapter 88, Acts of the Second Called Session of the Forty-first Legislature, as amended by Section 2, Chapter 23, Acts of the Fifth Called Session of the Forty-first Legislature, as amended by Section 3, Chapter 110, Acts of the Regular Session of the Forty-seventh Legislature, so as to provide that the owner of any motor bus may register said bus if he so desires with the State Highway Department through the County Tax Collector of any county through which the motor bus company operates according to its fixed schedule rather than in the county in which the owner resides; and declaring an emergency."

To Committee on Highways and Motor Traffic.

Senate Concurrent Resolution 20

Senator Brownlee, by unanimous consent, offered the following resolution:

S. C. R. No. 20, Inviting Fulton Lewis, Jr., to address a joint session of the Legislature.

Whereas, It is understood that the noted commentator Fulton Lewis, Jr., will be in Texas in a short time; now, therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That he be invited to address a joint session of the Legislature at a convenient time and that a committee of three Members of the Senate and three Members of the House be directed to extend an invitation to Mr. Lewis to deliver such address and arrange the date and time for said address.

**BROWNLEE,
METCALFE.**

The resolution was read, and by unanimous consent, it was considered immediately.

The resolution was adopted.

Committee Substitute Senate Bill 81 on Second Reading

Senator Hazlewood moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that C. S. S. B. No. 81 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

C.S.S.B. No. 81, A bill to be entitled "An Act to amend Article 2654b-1, under Chapter 9a, entitled Tuition and Control of Funds of State Institutions, under Title 49, entitled Education—Public, of the Revised Civil Statutes of the State of Texas, of the year 1925 codification, by adding a new Section under such Article to be known as Section 3, exempting all persons who have served as members or nurses, or are now serving, or who may hereafter serve in the armed forces of the United States of America during the present world war, from the payment of certain dues, fees, and charges."

The bill was read second time.

On motion of Senator Hazlewood, the bill was tabled subject to call.

Reports of Standing Committee

By unanimous consent, the following reports were submitted at this time:

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 147, A bill to be entitled "An Act making an appropriation of the sum of \$43,850.00 out of the General Fund in the State Treasury not otherwise appropriated for the Agricultural and Mechanical College of Texas for the establishment and maintenance of an agricultural experimental station for the development of dairy, poultry and truck corps in the First Senatorial District of Texas, said authority having been given said Agricultural and Mechanical College of Texas in H. B. No. 670, passed during the Regular Session of the Forty-seventh Legislature of Texas."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

LANNING, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred

S. B. No. 156, A bill to be entitled "An Act to amend Subsection (14) of Section 2 of S. B. No. 423, Acts of the Forty-seventh Legislature; to amend Subsection (5) of the General Provisions, H. B. No. 272, Acts of the Forty-seventh Legislature; and to amend Section 3 of S. B. No. 402, Acts of the Forty-seventh Legislature, by adding thereto a new Section to be known as Section 3a, to follow Section 3; repealing any provision in S. B. No. 423, H. B. No. 272, or S. B. No. 402 in conflict herewith; repealing Article 419a, Vernon's Texas Statutes, 1936; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that the Committee substitute bill for S. B. No. 156 do

pass and that the substitute bill be printed in lieu thereof.

LANNING, Chairman.

Austin, Texas,
February 18, 1943.

Hon. John Lee Smith, President of the Senate.

Sir: We, your Committee on Finance to whom was referred H. B. No. 159, have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the Committee substitute do pass in lieu of the original bill and be printed.

LANNING, Chairman.

Senate Bill 92 on Second Reading

Senator Mauritz moved to suspend the rules prescribing limitations relative to the consideration of bills during the first 60 days of the Regular Session of the Legislature and that S. B. No. 92 be taken up for consideration at this time.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The Presiding Officer laid before the Senate on its second reading and passage to engrossment:

S. B. No. 92, A bill to be entitled "An Act to repeal H. B. No. 12, Acts of the First Called Session of the Forty-fifth Legislature of the State of Texas; providing for the disposal of State owned jacks and stallions; and the payment of expenses incurred in connection with such disposal; making an appropriation; providing for

the transfer of fees; and declaring an emergency."

The bill was read second time.

Senator Moffett offered the following committee amendments to the bill:

(1)

Amend S. B. No. 92 by striking out of Section 5 the following:

"For the purpose of carrying into effect the provisions of this Act the sum of \$1,000.00 is hereby appropriated to the State Department of Agriculture; provided that"

(2)

Amend the caption to conform to the changes in the body of the bill.

The amendments were adopted severally.

The bill was passed to third reading.

Senate Bill 92 on Third Reading

Senator Mauritz moved that the constitutional rule requiring bills to be read on three several days be suspended and that S. B. No. 92 be placed on its third reading and final passage.

The motion prevailed by the following vote:

Yeas—26

Aikin	Lovelady
Beck	Martin
Brownlee	Mauritz
Bullock	Metcalf
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	York

Absent—Excused

Kelley	Spears
Lemens	Winfield
Shivers	

The Presiding Officer then laid the bill before the Senate on its third reading and final passage.

The bill was read third time and was passed by the following vote:

Yeas—26

Aikin	Brownlee
Beck	Bullock

Chadick	Mauritz
Cotten	Metcalfe
Fain	Moffett
Formby	Moore
Graves	Morris
Hazlewood	Ramsey
Jones	Shivers
Lane	Sulak
Lanning	Vick
Lovelady	Weinert
Mart'n	York

Absent—Excused

Kelley	Stone
Lemens	Winfield
Spears	

Advance Printing of Senate Bills

On motion of Senator Stone, and by unanimous consent, S. B. No. 191 was ordered printed in advance of its consideration in committee.

On motion of Senator Bullock, it was ordered that S. B. No. 172 be printed in advance of its consideration in committee.

Adjournment

On motion of Senator Lovelady, the Senate, at 1:00 o'clock p. m., adjourned until 10:00 o'clock a. m. Monday, February 22, 1943.

TWENTY-SECOND DAY

(Monday, February 22, 1943)

The Senate met at 10 o'clock a. m., pursuant to adjournment, and was called to order by the President pro tempore.

The roll was called, and the following Senators were present:

Aikin	Lovelady
Beck	Mart'n
Brownlee	Mauritz
Bullock	Metcalfe
Chadick	Moffett
Cotten	Moore
Fain	Morris
Formby	Ramsey
Graves	Stone
Hazlewood	Sulak
Jones	Vick
Lane	Weinert
Lanning	Winfield
Lemens	

A quorum was announced present.

Rev. S. B. Culpepper, Chaplain, offered prayer.

On motion of Senator Aikin, and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 18, 1943 was dispensed with and the Journal was approved.

Leaves of Absence Granted

Senator York was granted leave of absence for today on account of illness, on motion of Senator Ramsey.

Senator Shivers was granted leave of absence for today on account of important business, on motion of Senator Moore.

Senate Bills on First Reading

The following bills were introduced, read first time, and referred to the committees indicated:

By Senator Mauritz:

S. B. No. 199, A bill to be entitled "An Act authorizing the State of Texas to invest certain funds in Defense Bonds or other obligations of the United States of America, and authorizing any political subdivision of the State of Texas which heretofore has issued and sold bonds and is unable to obtain labor and materials to carry out the purpose for which the bonds were issued may invest the proceeds now on hand in Defense Bonds or other obligations of the United States of America; providing that whenever war time or any other regulations shall permit such political subdivisions to acquire the necessary labor and materials the bonds of the United States in which said proceeds are invested shall be sold or redeemed and the proceeds of said bonds shall be used for the purpose for which the bonds of any such subdivision were authorized; and declaring an emergency."

To Committee on State Affairs.

By Senator Aikin:

S. B. No. 200, A bill to be entitled "An Act to be known as the Uniform Stock Transfer Act; providing how title to Certificates and Shares may be transferred; making a certificate fully negotiable; providing that delivery of an unindorsed certificate imposes an obligation to indorse; providing for warranties on sale of certificate; restricting attachment or levy against shares; making provisions regarding altered, lost or destroyed certificates; containing definitions; repealing Article 1334, Revised Civil